

REMARKS

Claims 1-8 are pending in the above-identified application. Claim 1 has been amended so as to limit the definition of the variable "X" to be hydrogen.

Request for Entry of Claim Change

It is respectfully requested that the above-noted change to claim 1 be entered of record, since this change simply narrows the definition of one element, introduces no new issues, and at least places the present claims into better form for consideration on appeal, should an appeal be necessary. Thus, it is submitted that this change to claim 1 complies with 37 CFR 1.116(b) and should be entered of record and considered by the Patent Examiner.

Issues under 35 USC 103(a)

Claims 1-8 have been rejected under 35 USC 103(a) as being unpatentable over Carrell '808 (US 5,514,808). This rejection is traversed based on the following reasons.

Distinctions over Cited Reference

It is first submitted that the compounds of formula (I) recited in the present claims do not encompass any of the compounds disclosed by Carrell '808. For example, Example 8 of Carrell '808 is a tertiary amine which differs from the presently claimed secondary amine compounds of formula (I) of the present invention wherein X is hydrogen. Further, all of the hydroxyl ion modulating compounds disclosed by Carrell '808 are N,N-disubstituted-aminoacetate compounds, with no N-monosubstituted-aminoacetate compounds corresponding to those of formula (I) of the present claims being disclosed. These, significant structural distinctions exist between the compounds of formula (I) of the present claims and the compounds disclosed by Carrell '808.

In addition to the above, the compounds of formula (I) of the present claims may be advantageously employed in a cosmetic, such as a cream, in order to provide enhanced moisture

absorption, moisturizing effects, gloss, moist feel, smoothness, and combability (i.e. “combing ease”) as evidenced by the test results shown in Tables 1, 4, 6, 8, 10, 12, 16 and 19 in the present specification. Note that these effects may be obtained without requiring alkaline conditions, as all of the examples in the present specification mentioned above were conducted under neutral conditions. In contrast, Carrell '808 discloses the described compounds for use under alkaline conditions. Further, Carrell '808 fails to recognize any of the unexpected, advantageous cosmetic properties noted above with respect to the compounds of formula (I) of the present invention.

Consequently, significant patentable distinctions exist between the presently claimed invention and Carrell '808 such that the above-noted rejection must be withdrawn. Further, there fails to be any basis disclosed in Carrell '808 which provides any motivation to one skilled in the art to attempt to obtain the compounds of the present invention.

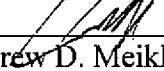
It is submitted for the reasons above that the present claims define patentable subject matter such that this application should now be placed in condition for allowance.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: November 21, 2008

Respectfully submitted,

By 

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